Just as the Criminal Procedure law, of which we have just completed a survey, declared the constitution and fixed the jurisdiction of the Criminal Courts and regulated their procedure on trials and the execution of the sentences of the Court, so the Civil Procedure Code deals with the civil suit, the place at which it is heard, and the procedure on trial and the execution of the decree or judgment. But the Procedure Code does not itself constitute the classes of Civil Courts as the Criminal Procedure Code does for the Criminal Courts.

SECTION I.—THE CIVIL COURTS.

The Code[2] contemplates the division of the provinces into districts, and takes it for granted that in each district there is a principal Court of original jurisdiction (called "the District Court"), as well as Subordinate Courts of different grades for the trial of suits in that local jurisdiction. All such Courts are subordinate to the District Court and to the High Court[3].

The High Courts of Bengal, the North-Western Provinces, Bombay and Madras are constituted under Acts of Parliament and Royal Charters. The Chief Court in the Panjab has its authority under Act XVII of 1877. In other provinces there are Judicial Commissioners, *e.g.*, in Oudh, the Central Provinces, and Burma, under the Civil Court Acts of these Provinces (Act XIV of 1865 for Central Provinces, Act XVII of 1875 for Burma, Act XIII of 1879 for Oudh). All these, in their respective provinces, are the "High Courts" for the purposes of supervision and appeal.

The District and Subordinate Courts are also constituted by various Acts; those in Bengal and North-Western Provinces under

[2] The Code is Act XIV of 1882, which came into force on 1st June 1882. This Act is in fact only a revised edition (with slight alterations) of the preceding Code Act X of 1877 as amended by Act XII of 1879. As in the chapter on Criminal Procedure, the student is expected to consult the Code itself: these chapters are *guides* to the Code but do not supersede a study of the Codes themselves.

[3] Some of the High Courts have in original civil jurisdiction: they are then the "District Court" for the local limits of that original jurisdiction.

Act VI of 1871, the Panjab under Act XVII of 1877, those in Oudh, Burma, and Central Provinces under the Acts already named[4]. While, however, in Regulation Provinces the High Court comes immediately above the District Judge, in the Non-Regulation Provinces, the Courts Act recognizes an intermediate appellate and supervising grade—the Courts of Commissioners.

The District Judge can hear civil suits arising in his jurisdiction, as specified in the Procedure Code, on all subjects and to any value. This will be found to be the case under all the laws.

In *Bengal and the North-Western Provinces* Subordinate Judges have similar powers, and Munsifs can hear all classes of cases provided their money value does not exceed Rs. 1,000. (Act VI of 1871, sections 19-20.)

In *Oudh* the Subordinate Judge, though his jurisdiction is not limited as to class of cases, is limited as to value of suit to Rs. 10,000 (Act XIII of 1879, section 16); the Munsif is similarly limited to Rs. 500, unless special jurisdiction up to Rs. 1,000 has been conferred.

In the *Panjab* the "Subordinate Judges" are represented by Assistant Commissioners[5], and they may have "full powers," "special powers," or "ordinary powers" which represent a limit as to pecuniary value of suits cognizable by them, of Rs. 10,000, 500, and 100 respectively. The lowest Courts, those of Munsifs and Tahsildars (section 3, Act XVII of 1877) are in two grades having powers

[4] There are also special arrangements made for certain localities. In Berar the Courts exist under the orders of the Governor-General and resemble those in Non-Regulation Provinces. In Ajmer there is a Courts Regulation under the 33, Vic. cap. 3, Reg. I of 1877; in Assam (including Cachar) the powers of Courts are given under section 10, Act VI of 1871; and in Sylhet as in Bengal Proper. In Coorg the Courts are under Act XXV of 1868. The Jhansi Division of the North-Western Provinces and the Tarai district have Courts of their own; see Act XVIII of 1867 and Regulation IV of 1876. So has Arracan (Regulations VIII of 1874 and V of 1876). In some localities special subjects (as *e.g.* in Bhutan Dwárs by Act XVI of 1869) are excluded from the ordinary Civil Courts, and in most of the Land Revenue Acts a number of subjects are reserved to the Revenue Courts. (See my Revenue Manual on this subject.)

[5] Those appointed as *Judicial* Assistants, have powers as "District Judges."

limited (according to value as usual) to suits of Rs. 300 and Rs. 50 respectively.

In *Burma* the *powers* are shown in a convenient form in a table at section 12 of the Courts Act, and as it can easily be turned to I will not reproduce it here.

In the *Central Provinces* there is a gradation not dissimilar to that of Panjab. The District Court (the Deputy Commissioner's) can hear all suits without limit and has also appellate powers: the Subordinate Courts are the Assistant Commissioner's of 1st, 2nd and 3rd class, with powers up to Rs. 5,000, Rs. 1,000 and Rs. 500 respectively. There are two grades of "Tahsildar's Courts" as in Panjab, but with powers to Rs. 300 and Rs. 100 respectively.

§ 1.—*General view of the Courts.*

Thus, while in every province, and even in special districts of provinces, the student, desirous of knowing the precise details of the Courts, must consult the local Act, or the Regulation or special Rules which affect the locality, and while it would swell the bulk of this book beyond any possible limits to reprint a collection of such detailed rules, it is not difficult to understand the general scheme on which the Civil Courts are constituted.

In every district there is a District Court (the District Judge, or in Non-Regulation Provinces the Deputy Commissioner or a Judicial Assistant Commissioner who relieves him of the civil work) having unlimited original powers and appellate powers over Subordinate Courts.

In the Regulation Provinces all appeals from the District Courts go to the High Court; in the Non-Regulation Provinces such appeals lie, as a rule, to the Commissioner's Court, from which again an appeal lies to the Chief Court or Judicial Commissioner, &c., under certain rules.

After the District Court, the next Courts are the Subordinate Judges in the Regulation Provinces. There is no value limit, but an appeal first lies to the District Judge. In the Non-Regulation Provinces these Courts are represented by the Assistant and (Extra